

FBI, Customs Not Told By CIA of B26 Report

By ORR KELLY
Star Staff Writer

BUFFALO, N.Y. — Neither the Federal Bureau of Investigation nor U.S. Customs got the word when the Central Intelligence Agency learned about an allegedly illegal shipment of bombers to Portugal, according to a secret CIA report.

When the trial of two men accused in the plane-smuggling case resumes Tuesday morning in Buffalo, N.Y., three more CIA documents — the entire file on the case, according to testimony of a high CIA official — are expected to be made public.

The one intelligence information cable introduced into evidence before the trial recessed for the weekend Friday passed on unevaluated information from a source in Lisbon, received on May 26, 1965, four days before the first of seven B26 bombers were flown across the Atlantic.

The information — now known to be essentially inaccurate — was sent to the Secretary of Defense, Army, Navy, Air Force and State Department intelligence and even to the United States Information Agency — but not to the FBI or Customs, according to the routing information on the cable form.

According to earlier testimony, Customs was informed about the planned shipment by another source well before the first plane left but the report was pigeonholed by agents more concerned about dope traffic than plane smuggling.

Another witness, a Federal Aviation Agency inspector from Portland, Maine, said he called the FBI in Boston when the first armor-plated plane stopped in Portland. He said he was told they would check and call him back — and never did.

The CIA documents were produced in court by Lawrence R. Houston, general counsel for the CIA, who was called as a defense witness by Edwin Marger of Miami Beach, attorney for John Richard Hawke, a bearded ex-Royal Air Force pilot who flew the planes to Portugal. He has insisted since his arrest that he thought he was working for the CIA.

As the court session ended Friday, however, Marger seemed to be trying to show, at the same time, that the CIA actually ran the operation and, on the other hand, that the role of the government in the case was simply to look the other

way while the planes were whisked out of the country.

Introduction of the CIA documents has posed a problem for Edward Brodsky of New York, attorney for the other defendant, Henri Marin de Montmarin, a tall, white-haired French count, who allegedly acted as a go-between in the sale of the planes.

He is fearful that the raw, unevaluated information contained in the CIA cables might prejudice the jury against his client, who, he contends, was acting in almost the same

manner that he did several years ago in helping to arrange the perfectly legal sale of 12 KC-135 jet tankers by the Boeing Co. to the French government. He has thus objected far more strenuously to introduction of the CIA files than has U.S. Attorney John T. Curtin.

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